

**United States District Court
Eastern District of Wisconsin (Milwaukee)
CRIMINAL DOCKET FOR CASE #: 2:21-mj-00031-WED-1**

Case title: USA v. Mish

Date Filed: 01/15/2021

Date Terminated: 01/15/2021

Assigned to: Magistrate Judge
William E Duffin

Defendant (1)

David Charles Mish, Jr
TERMINATED: 01/15/2021

represented by **Gabriela A Leija**
Federal Defender Services of Wisconsin Inc
517 E Wisconsin Ave – Rm 182
Milwaukee, WI 53202
414-221-9900
Fax: 414-221-9901
Email: gabriela_leija@fd.org
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Federal Public Defender

Pending Counts

None

Disposition**Highest Offense Level (Opening)**

None

Terminated Counts

None

Disposition**Highest Offense Level**
(Terminated)

None

Complaints

18:1752(a) – TEMPORARY
RESIDENCE OF THE
PRESIDENT

Disposition

Plaintiff

USA

represented by **Julie F Stewart**

United States Department of Justice
(ED-WI)

Office of the US Attorney

517 E Wisconsin Ave – Rm 530

Milwaukee, WI 53202

414-297-4536

Fax: 414-297-1738

Email: julie.stewart@usdoj.gov

LEAD ATTORNEY

ATTORNEY TO BE NOTICED

Designation: Assistant US Attorney

| Date Filed | # | Page | Docket Text |
|------------|----------|------|--|
| 01/15/2021 | <u>1</u> | | Rule 5 Documents Received as to David Charles Mish, Jr. (Attachments: # <u>1</u> Statement of Facts, # <u>2</u> Warrant, # <u>3</u> Sealing Order)(amb) |
| 01/15/2021 | | | Arrest of David Charles Mish, Jr (amb) |
| 01/15/2021 | <u>2</u> | | Minute Entry for proceedings held before Magistrate Judge William E Duffin: Initial Appearance in Rule 5 Proceedings as to David Charles Mish, Jr held on 1/15/2021. Government not seeking detention and requests court to set hearing for defendant to appear via Zoom in District of Columbia. Court orders defendant released on O/R Bond. Defendant to appear for District of Columbia Hearing on 1/22/2021 at 1:00 PM via Zoom. Zoom hearing has been set by District of Columbia. Zoom connection information to be given to defendant. (Tape #3:46 – 4:00) (amb) |
| 01/15/2021 | <u>3</u> | | ORDER Setting Conditions of Release as to David Charles Mish Jr signed by Magistrate Judge William E Duffin on 1/15/2021. (cc: all counsel) (amb) |
| 01/15/2021 | <u>4</u> | | WAIVER of Rule 5(c)(3) Hearings by David Charles Mish, Jr. (amb) |

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

UNITED STATES OF AMERICA

v.

DAVID CHARLES MISH JR

**INITIAL APPEARANCE
on Rule 5 Hearing**

CASE NUMBER 21-MJ-31

HONORABLE WILLIAM E. DUFFIN, presiding
Deputy Clerk: Tony Byal
Hearing Held: January 15, 2021 at 3:45 PM

Court Reporter: Zoom Audio
Hearing Began: 3:46 PM
Hearing Ended: 4:00 PM

Appearances:

UNITED STATES OF AMERICA by: Julie Stewart

DAVID CHARLES MISH JR, via video conference, and by: Gabriela Leija

☐ CJA ☒ FDS ☐ RET

U.S. PROBATION OFFICE by:

INTERPRETER: ☒ None ☐ Sworn

-
- ☒ Defendant consents to proceed via video
 - ☒ Defendant advised of rights
 - ☒ Defendant advised of charges, penalties and fines
-

- ☒ Defendant waives right to an identity hearing
 - ☒ Defendant to be released on O/R bond to appear in District of Columbia on 1/22/2021 at 1:00 PM Via Zoom
-

Maximum penalties

Count 1: 1 year imprisonment, \$100,000 fine, 1 year SR, \$100 SA

Count 2: 6 months imprisonment, \$5,000 fine, 1 year SR, \$100 SA

Government:

- Asks to release defendant on conditions. Requests condition of defendant staying away from Washington DC and to not be involved in in-person political demonstrations.
- District of Columbia requests this court to set a hearing next week at 1:00 PM for defendant to appear via Zoom in the District of Columbia.

Court:

- Orders defendant released on O/R Bond with conditions.
- Defendant to appear on 1/22/2021 at 1:00 PM via Zoom for District of Columbia hearing.
- Zoom information from District of Columbia to be provided to defendant.

UNITED STATES DISTRICT COURT
for the
Eastern District of Wisconsin

United States of America

v.

DAVID CHARLES MISH JR.

Defendant

Case No. 21-MJ-31

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: _____

(Place)

on _____

(Date and Time)

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- (☐) (6) The defendant is placed in the custody of: _____
 Person or organization _____
 Address (only if above is an organization) _____
 City and state _____ Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____
 Custodian Date

- (☐) (7) The defendant must:
- (☐) (a) submit to supervision by and report for supervision to the _____, telephone number _____, no later than _____.
 - (☐) (b) continue or actively seek employment.
 - (☐) (c) continue or start an education program.
 - (☐) (d) surrender any passport to: _____
 - (☐) (e) not obtain a passport or other international travel document.
 - (☐) (f) abide by the following restrictions on personal association, residence, or travel: _____
 - (☐) (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____
 - (☐) (h) get medical or psychiatric treatment: _____
 - (☐) (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____
 - (☐) (j) maintain residence at a halfway house or community corrections center, as the pretrial services office or supervising officer considers necessary.
 - (☐) (k) not possess a firearm, destructive device, or other weapon.
 - (☐) (l) not use alcohol (☐) at all (☐) excessively.
 - (☐) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner
 - (☐) (n) submit to testing for a prohibited substance if required by the pretrial services office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, a remote alcohol testing system, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.
 - (☐) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the pretrial services office or supervising officer.
 - (☐) (p) participate in one of the following location restriction programs and comply with its requirements as directed.
 - (☐) (i) **Curfew.** You are restricted to your residence every day ☐ from _____ to _____, or ☐ directed by the pretrial services office or supervising officer; or
 - (☐) (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the pretrial services office or supervising officer; or
 - (☐) (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.
 - (☐) (q) submit to location monitoring as directed by the pretrial services office or supervising officer and comply with all of the program requirements and instructions provided.
 - (☐) You must pay all or part of the cost of the program based on your ability to pay as determined by the pretrial services office or supervising officer.
 - (☐) (r) report as soon as possible, to the pretrial services office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.
 - (☒) (s) Not attend in person political demonstrations
 Stay away from District of Columbia

ADVICE OF PENALTIES AND SANCTIONS

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

Violating any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of your release, an order of detention, a forfeiture of any bond, and a prosecution for contempt of court and could result in imprisonment, a fine, or both.

While on release, if you commit a federal felony offense the punishment is an additional prison term of not more than ten years and for a federal misdemeanor offense the punishment is an additional prison term of not more than one year. This sentence will be consecutive (*i.e.*, in addition to) to any other sentence you receive.

It is a crime punishable by up to ten years in prison, and a \$250,000 fine, or both, to: obstruct a criminal investigation; tamper with a witness, victim, or informant; retaliate or attempt to retaliate against a witness, victim, or informant; or intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If, after release, you knowingly fail to appear as the conditions of release require, or to surrender to serve a sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more – you will be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years – you will be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony – you will be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor – you will be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender will be consecutive to any other sentence you receive. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of the Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and surrender to serve any sentence imposed. I am aware of the penalties and sanctions set forth above.

1-15-21

Date of Defendant's Signature

Defendant's Signature

WEST

ALLS

WISCONSIN

City and State

Directions to the United States Marshal

☐ The defendant is ORDERED released after processing.

The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has

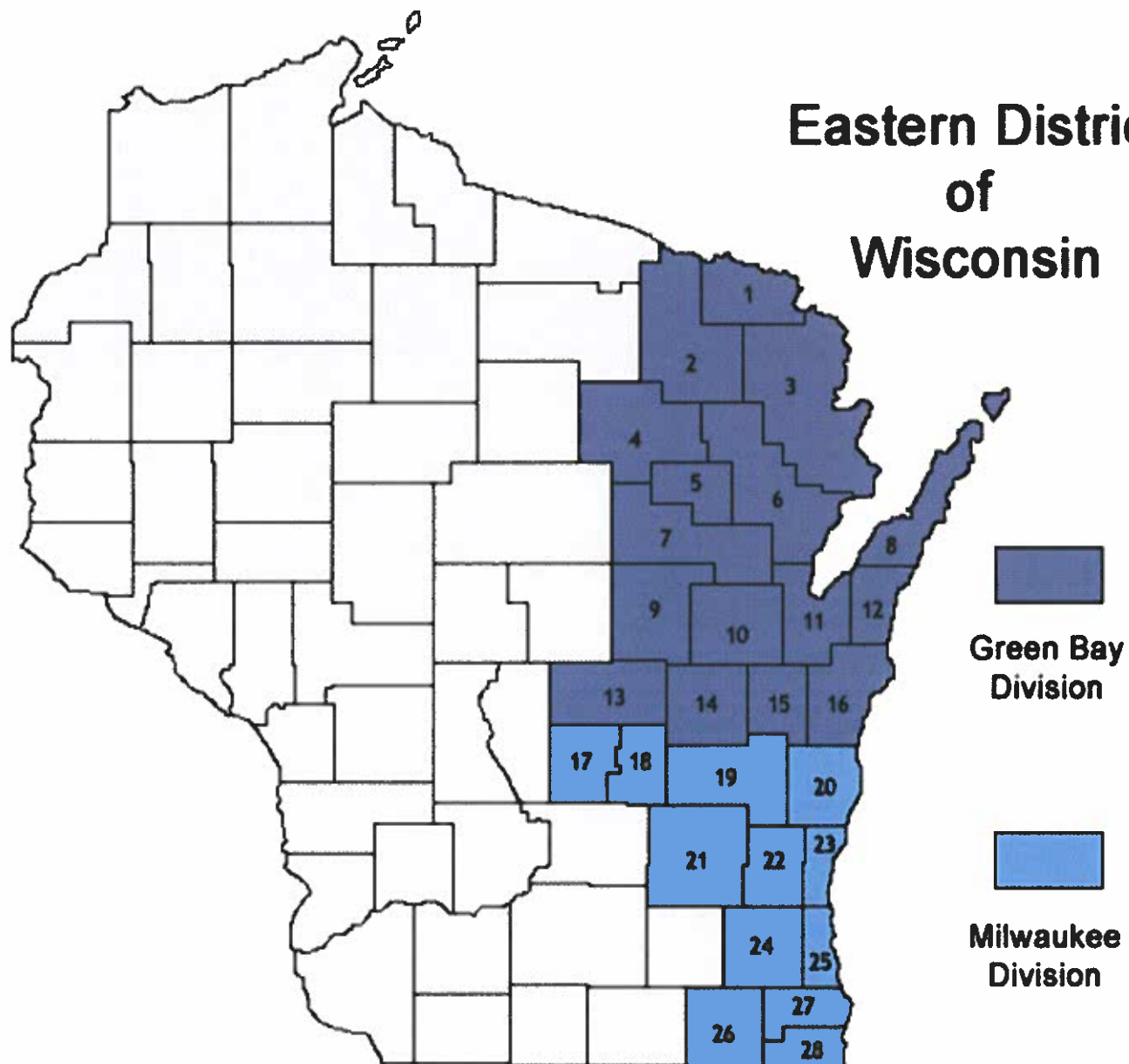
☐ posted bond and/or complied with all other conditions for release. If still in custody, the defendant must be produced before the appropriate judge at the time and place specified.

Date: January 15, 2021

Judicial Officer's Signature

William E. Duffin, U.S. Magistrate Judge

Printed name and title



EASTERN DISTRICT OF WISCONSIN

Counties: (1) Florence, (2) Forest, (3) Marinette, (4) Langlade, (5) Menominee, (6) Oconto, (7) Shawano, (8) Door, (9) Waupaca, (10) Outagamie, (11) Brown, (12) Kewaunee, (13) Waushara, (14) Winnebago, (15) Calumet, (16) Manitowoc, (17) Marquette, (18) Green Lake, (19) Fond du Lac, (20) Sheboygan, (21) Dodge, (22) Washington, (23) Ozaukee, (24) Waukesha, (25) Milwaukee, (26) Walworth, (27) Racine, (28) Kenosha

UNITED STATES DISTRICT COURT

for the

Eastern District of Wisconsin

United States of America

v.

DAVID CHARLES MISH JR

Defendant

Case No. 21-MJ-31

Charging District's Case No. 21-MJ-64

WAIVER OF RULE 5 & 5.1 HEARINGS
(Complaint or Indictment)

I understand that I have been charged in another district, the District of Columbia

I have been informed of the charges and of my rights to:

- (1) retain counsel or request the assignment of counsel if I am unable to retain counsel;
- (2) an identity hearing to determine whether I am the person named in the charges;
- (3) production of the warrant, a certified copy of the warrant, or a reliable electronic copy of either;
- (4) a preliminary hearing to determine whether there is probable cause to believe that an offense has been committed, to be held within 14 days of my first appearance if I am in custody and 21 days otherwise, unless I have been indicted beforehand.
- (5) a hearing on any motion by the government for detention;
- (6) request a transfer of the proceedings to this district under Fed. R. Crim. P. 20, to plead guilty.


I agree to waive my right(s) to:

- ☒ an identity hearing and production of the warrant.
- ☐ a preliminary hearing.
- ☐ a detention hearing.
- ☐ an identity hearing, production of the judgment, warrant, and warrant application, and any preliminary or detention hearing to which I may be entitled in this district. I request that my
☐ preliminary hearing and/or ☐ detention hearing be held in the prosecuting district, at a time set by that court.

I consent to the issuance of an order requiring my appearance in the prosecuting district where the charges are pending against me.

Date: January 15, 2021


Defendant's signature


Signature of defendant's attorney

Gabriela Leija

Printed name of defendant's attorney